

**From:** D. Hugh Redelmeier  
**To:** Microsoft ATR  
**Date:** 1/28/02 2:53am  
**Subject:** Microsoft Settlement

I will keep my comments brief. I am a software developer and consumer, not a lawyer. I will not repeat points that are well presented, for example, by the submissions of the American Antitrust Institute:

[<http://www.antitrustinstitute.org/recent/163.cfm>](http://www.antitrustinstitute.org/recent/163.cfm)  
and Dan Kegel:  
[<http://www.kegel.com/remedy/>](http://www.kegel.com/remedy/)

The proposed final judgment in the US v. Microsoft case is inadequate.

Microsoft has been found to be a monopolist. It has been found to have willfully and illegally exploited its monopolies. Microsoft has delayed the day of reckoning, multiplying the damage.

The purpose of the proposed final judgment is to deny Microsoft the benefits of its unlawful behavior, to remedy the damage, and to prevent future misbehavior. I fail to see how it would substantially accomplish any of these goals.

The fact that several attempts have been made to tame Microsoft's illegal behavior suggests that any settlement must be carefully crafted to be "leak-proof". Speed is of the essence in response to future misbehavior -- irreparable damage can happen much more quickly than litigation can be resolved.

As far as preventing future misbehavior, it seems to me that each monopoly must be eliminated or at least circumscribed to prevent its expansion. Microsoft has continually grown its monopolies and caused them to buttress one another. It has also used its monopolies to advance its other interests.

I can think of many possible settlements. Perhaps the approach most generous to Microsoft would be to break Microsoft up into independent companies that each would be allowed to hold a single monopoly, and no more. These companies would have to be constrained to deal with each other in a way that did not favor them over third parties.

It has been said that there is need for a quick settlement to protect our security. Microsoft is the source of a disproportionately large number of computer security problems. Most believe that this is partly caused by their monopoly position. So if security is to be considered in this case, it would be one more reason to deal more effectively with the monopoly issues. Security is a public interest.

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